



Town of Tyngsborough
Planning Board
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 115

MINUTES
February 4, 2016
APPROVED

Attachments:

1. Meeting Agenda
2. 40 & 44 Cummings Rd. Special Permit Application – 12/31/2015
3. David E. Ross Associates review of 40 & 44 Cummings Rd. – 1/29/2016
4. Tyngsborough Town Dept. Comments for 40 & 44 Cummings Rd.

Members Present: Tom Delmore, Chairman
Kimberly O'Brien, Vice Chairman
Corliss Lambert
Steve O'Neill
Steve Nocco

Members Absent: Pat Sands, Associate Member
Pamela Berman, Administrative Assistant

7:00pm - Meeting called to order by Chairman Tom Delmore

1. **40 & 44 Cummings Rd. (M13, P18 & 20, L0)** – Freedom Alley Shooting Sports, LLC, applicant, request for a Site Plan and Business Use Special Permit for the construction of a new 36,300 s.f. indoor gun range facility with classrooms, retail and office space; and a 5,000 s.f. shipping/receiving & storage building with associated utilities in an I-1 Zone. *Advertised in the Lowell Sun Thursday January 21, 2016 and Thursday January 28, 2016.*

S. Nocco: Motion to waive the reading of the abutters list and legal notice.

S. O'Neill: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

Chairman T. Delmore offered the floor to Atty. Peter Nicosia. In turn, Atty. Nicosia introduced the developer and applicant, Daniel Whitman and his team Paul Chisholm of Keach-Nordstrom Assoc. Inc. and architect Mr. Kelly Davis of Port One Architects. Atty. Nicosia explained that they were present for a site plan review. He explained that the team had been in coordination with Board Engineer Rob Oliva and that Mr. Oliva's comments were still being addressed.

The Board was informed that the proposed plan provided for the construction of two buildings on the property at 40 & 44 Cummings Road. The larger 110' x 330' building would include 100 yard and 25 yard firing ranges, a retail sales area, a cafeteria, gym, classrooms, offices and bathrooms. The smaller 5,000 s.f. building would include a shipping/receiving facility, gunsmith shop and office space. The plans provide for a total of 77 parking spaces for the entire site.

S. Nocco asked about the 400' line of sight for driveway entrances. Mr. Chisholm offered that measurements along Cummings Rd. indicated that the required line of sight was available provided clearing was made at the roadside and along the stone walls.

S. O'Neill inquired as to the anticipated number of occupants at the facility, i.e. 26 firing range bays plus operating personnel. Atty. Nicosia said that a business operation plan would be provided and that events would be staggered to alleviate parking and other operational concerns. It was noted that there are no regulations on parking for gun ranges; however, the retail operation requires 39 parking spaces. The gun range operation anticipates 1 - 2 persons per firing bay, (26 bays x 2 persons per bay) 52 persons.

K. O'Brien asked about safety. Mr. Whitman explained that three Range Safety Officers would be present during operations plus a Master Range Safety Officer. S. O'Neill inquired as to the location of the lounges/cafeteria.

S. Nocco asked about noise levels and Mr. Davis explained the provisions for noise containment and attenuation. He explained that the level of noise presented to patrons and neighbors would be within the 70dB allowable level. He cited a box with 12" concrete walls and ceiling within which the noise would be approximately 110-130dB. The 12" concrete wall is designed to attenuate the noise at 68-70 stc, with the planned insulation and siding should result in 75-80 dB of sound reduction, and result in sound levels to patrons and neighbors in the region of 60 dB.

K. O'Brien asked about the hours of operation. Mr. Whitman offered that he anticipated a seven day a week operation from 10:00 A.M to 7:00 P.M.

T. Delmore asked if there would be firing in the gunsmith shop. The operation does not provide for firing in the gunsmith shop. Mr. Davis explained the small building would be 1/2 shipping/receiving and storage and 1/2 gunsmith shop.

Mr. Chisholm referred to a comment by the Fire Department about hydrants and occupant egress from the left side and rear of the building. The team would like to review the plan with the Fire Department, hopefully resolving any concerns.

K. O'Brien inquired about dumpster locations. The locations were shown on the plan. S. O'Neill asked about air conditioning locations. Mr. Davis responded that they were located on the roofs and that on the larger building there were two different types. One unit services the office spaces and the second addresses the ranges. The ranges require separate special units to control air pressure and flow.

T. Delmore inquired as to the design of the roofs. The design has changes from pitched roofs to flat roofs. Mr. Chisholm spoke about the range having little traffic impact on the 10,000 vehicles per day off of Route 113 10,000 or the 3400 vehicles per day off of the North Chelmsford Dunstable Road.

C. Lambert asked about lead dust control within the building, and outside the firing ranges. Mr. Davis responded that there would be a report provided which would address concerns about lead control.

S. O'Neill asked about exterior lighting. Atty. Nicosia provided that all lighting was within by-laws. Mr. Chisholm added that the exterior lighting would not project beyond the property, with only one large exterior light to hang over the loading door.

T. Delmore asked if the proponents would address the remaining comments by engineer R. Oliva and return at the earliest opportunity.

S. Nocco: Motion to continue the hearing for the Special Permit to February 18, 2016 at 7:00 P.M.

S. O'Neill: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

DISCUSSION

1. **FY'17 Operating Budget:** S. Nocco spoke of the level funded budget for FY' 2017. Chairman T. Delmore asked if the Board had any insight as to whether the Planning Board would be asked to undertake any special projects during FY' 2017, similar to the roads acceptance project of the past. The Board discussed the possibilities and the consensus was to request of the Board of Selectman to comment on whether they had discussed plans to task the Planning Board with additional work which might require budget consideration. A request for comment memo is to be forwarded to the Board of Selectmen. The Planning Board will defer action on the FY'2017 Budget awaiting Board of Selectmen response.

ADMINISTRATIVE

Minutes:

S. Nocco: Motion to approve the minutes for January 7, 2016 as written

K. O'Brien: 2nd the motion

In Favor: 5 Opposed: 0

Passes: 5-0

7:53pm

S. Nocco: Motion to adjourn

S. O'Neill: 2nd the motion

In Favor: 5 **Opposed:** 0

Passes: 5-0

Minutes respectfully submitted by,
Corliss Lambert
Planning Board Member